**UNITED STATES DISTRICT COURT**
**EASTERN DISTRICT OF NEW YORK**

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| LEELA ABRAHAM, et al., | : | Case No. 12-cv-4686-WFK-JMA |
| | : | |
| Plaintiffs, | : | |
| | : | |
| - against - | : | ORAL ARGUMENT |
| | : | REQUESTED |
| AMERICAN HOME MORTGAGE SERVICING, | : | |
| INC., et al., | : | |
| | : | |
| Defendants. | : | |
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**NOTICE OF MOTION TO SEVER AND TO DISMISS**
**PLAINTIFFS' SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the Second Amended Complaint in this action, the attached declaration of Douglas E. Fleming III, executed February 8, 2013, and the exhibit thereto, the accompanying memorandum of law, and upon all prior pleadings and proceedings had herein, Defendant State Farm Realty Mortgage, LLC (incorrectly listed as State Farm Bank, FSB) ("State Farm") will move this Court, before the Honorable William F. Kuntz II, U.S.D.J., at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, for an order pursuant to Federal Rules of Civil Procedure 8(a)(2), 9(b), 12(b)(6), 20(a) and 21: (1) dismissing all Plaintiffs' claims against State Farm with prejudice, or, alternatively, (2) severing and dismissing all Plaintiffs' claims against State Farm without prejudice, with the exception of the first-named Plaintiff, Leela Abraham, and dismissing all claims of Plaintiff Leela Abraham, with prejudice, as to State Farm.  State Farm will also move for the costs and disbursements of this motion and for such other and further relief as deemed just and proper by this Court.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, shall be served in accordance with the rules of the Court.

Dated: New York, New York
      February 12, 2013

Respectfully submitted,

/s/ Douglas E. Fleming III
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*as State Farm Bank, FSB)*